

# EXHIBIT 1

**FILED**

13 MAR 29 PM 1:18

KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED

CASE NUMBER: 13-2-15026-3 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

NAM CHUONG HUYNH and LIN R.  
BUI, Husband and Wife,

Plaintiffs,

v.

AKER BIOMARINE ASA, a  
Norwegian corporation, AKER  
BIOMARINE ANTARCTIC US, INC.,  
a Delaware corporation, and F/V  
ANTARCTIC SEA, IMO #9160358,  
her gear, tackle, appurtenances,  
equipment and furniture, *in rem*.

Defendants.

NO.

COMPLAINT

COME NOW the plaintiffs and claiming for damages against the  
defendants, states:

**I. PARTIES**

1.1 At all times material hereto, Plaintiffs Nam Chuong Huynh and Lin R.  
Bui were husband and wife and residents of SeaTac, King County, Washington.

1.2 At all times material, defendant AKER BIOMARINE ASA was a  
Norwegian corporation and the owner and operator of the F/V ANTARCTIC SEA.

1.3 At all times material, defendant AKER BIOMARINE ANTARCTIC US,  
INC. was the North American subsidiary of AKER BIOMARINE ASA and doing  
business in Issaquah, King County, Washington. AKER BIOMARINE ANTARCTIC

Complaint ~ 1

**FURY**  
**BAILEY, PS**

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1 US, INC. is incorporated in and has its principal place of business in the state of  
2 Washington.

3 1.4 On information and belief, defendant AKER BIOMARINE  
4 ANTARCTIC US, INC. participates in the management and operation of the vessel  
5 F/V ANTARCTIC SEA, and the marketing of its product.

## 6 II. VENUE

7 2.1 The events forming the basis of this action took place in Montevideo,  
8 Uruguay aboard the F/V ANTARCTIC SEA.

9 2.2 The plaintiffs reside in SeaTac, King County, Washington.

10 2.3 Defendant AKER BIOMARINE ASA is a Norwegian Corporation.

11 2.4 Defendant AKER BIOMARINE ANTARCTIC US, INC., is a Delaware  
12 corporation doing business in Issaquah, King County, Washington.

13 2.5 Pursuant to 28 U.S.C. § 1402(b), this court is the appropriate venue  
14 for this action.

## 15 III. JURISDICTION

16 3.1 This is an action under 33 USC § 905(b).

17 3.2 Jurisdiction is vested in this Court under 28 USC § 1331.

18 3.3 Jurisdiction is vested in this Court under 28 USC §1333, and this is  
19 an admiralty or maritime claim within the meaning of Fed. R. Civ. P. 9(h).

20 3.4 Plaintiff's damages exceed \$75,000.

21 3.5 This court has jurisdiction over plaintiffs' claims against defendants  
22 pursuant to diversity jurisdiction under 28 U.S.C. §1332.

## 23 IV. FACTS

24 4.1 On or about January 6, 2012, plaintiff Nam Chuong Huynh was  
25 employed as a welder for Marel Seattle, Inc. in Seattle, King County, Washington.

26  
27 Complaint ~ 2

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1           4.2 Marel Seattle, Inc. is a manufacturer of custom made processing  
2 equipment on board large factory trawlers operated by Marel Seattle Inc.'s  
3 customers.

4           4.3 Defendants contracted with Marel Seattle to have processing  
5 equipment installed aboard the F/V ANTARCTIC SEA in Montevideo, Uruguay.

6           4.4 Marel Seattle sent Nam Chuong Huynh to Montevideo, Uruguay to  
7 install equipment aboard the F/V ANTARCTIC SEA, pursuant to the contract with  
8 defendants.

9           4.5 While performing his duties as a welder, Nam Chuong Huynh  
10 suffered electrocution caused by defective equipment provided and under the  
11 control of defendants.

12           4.6 Nam Chuong Huynh suffered cardiac arrest and other severe  
13 traumatic injuries from the electrocution.

#### 14                                   **V. NEGLIGENCE**

15           5.1 Defendants' negligence includes, but is not limited to the following:

- 16           a. The vessel and equipment were in an unsafe condition.
- 17           b. Defendant AKER BIOMARINE ASA and its agents knew or  
18           should have known of the unsafe condition.
- 19           c. Defendant AKER BIOMARINE ASA and its agents failed to  
20           properly inspect the ship's equipment.
- 21           d. Defendant AKER BIOMARINE ASA and its agents failed to  
22           warn Plaintiff Nam Chuong Huynh of hazards of which it  
23           knew or should have known.

#### 24                                   **VI. INJURIES**

25           6.1 As a direct and proximate result of the defendants' negligence,  
26 plaintiff Nam Chuong Huynh suffered serious personal injuries. The full extent of  
27 these injuries has not yet been fully determined.

## VII. DAMAGES

7.1 As a direct and proximate result of the defendants' negligence, plaintiff Nam Chuong Huynh has incurred medical expenses and suffered pain, anguish, disability, lost income, loss of earning capacity, and loss of ability to enjoy life. He will continue to suffer such damages into the future.

7.2 As a direct and proximate result of the defendants' negligence, and each of them, plaintiff Lin R. Bui has suffered damages for loss of care, services, support and consortium.

## VIII. PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that judgment be entered in their favor and against defendants AKER BIOMARINE ASA, A Norwegian corporation, AKER BIOMARINE ANTARCTIC US, INC., a Delaware corporation, and each of them, jointly and severally, as follows:

1. for damages as shall fairly compensate plaintiffs for their losses and damages in an amount as shall be proven at trial;
2. Costs and disbursements incurred herein;
3. Reasonable attorneys' fees;
4. Such other and further relief as this Court may deem just and equitable.

DATED this 29<sup>th</sup> day of March, 2013.

FURY BAILEY, PS  
 / C. Steven Fury  
 C. STEVEN FURY, WSBA No. 8896  
 710 – 10<sup>th</sup> Ave. E.  
 P.O. Box 20397  
 Seattle, WA 98102  
 (206) 726-6600  
 (206) 726-0288 (fax)  
 E: steve@furybailey.com  
 Attorney for Plaintiffs

FURY BAILEY, PS  
 / Francisco A. Duarte  
 FRANCISCO A. DUARTE, WSBA 24056  
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 Attorney for Plaintiffs

Complaint ~ 4

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HON. BARBARA LINDE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

NAM CHUONG HUYNH and LIN R.  
BUI, Husband and Wife,

Plaintiffs,

v.

AKER BIOMARINE ASA, a  
Norwegian corporation, AKER  
BIOMARINE ANTARCTIC US, INC.,  
a Delaware corporation, and F/V  
ANTARCTIC SEA, IMO #9160358,  
her gear, tackle, appurtenances,  
equipment and furniture, *in rem*.

Defendants.

NO. 13-2-15026-3 SEA

SUMMONS

TO THE DEFENDANT, AKER BIOMARINE ANTARCTIC US, INC.:

The plaintiff has started a lawsuit against you in the above-entitled court. Plaintiff's claims are stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiffs are entitled to what they ask for because

Summons - 1

ORIGINAL

FURY  
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710 Tenth Avenue East  
Seattle, WA 98102  
T: (206) 726-6600  
F: (206) 726-0288

1 you have not responded. If you serve a notice of appearance on the undersigned  
2 person, you are entitled to notice before a default judgment may be entered.

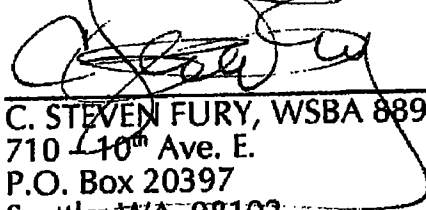
3 You may demand that the plaintiffs file this lawsuit with the court. If you  
4 do so, the demand must be in writing and must be served upon the plaintiffs.  
5 Within 14 days after you serve the demand, the plaintiffs must file this lawsuit  
6 with the court, or the service on you of this summons and complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do  
8 so promptly so that your written response, if any, may be served on time.

9 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules  
10 of the State of Washington.

11 DATED this 29<sup>th</sup> day of March, 2013.

12 FURY BAILEY, PS

13   
14 C. STEVEN FURY, WSBA 8896  
15 710 10<sup>th</sup> Ave. E.  
16 P.O. Box 20397  
17 Seattle, WA 98102  
18 (206) 726-6600  
19 (206) 726-0288 (fax)  
20 steve@furybailey.com  
21 Attorney for Plaintiffs

22  
23  
24  
25  
26  
27 Summons ~ 2

**FURY**  
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CASE NUMBER: 13-2-15026-3 SEA

**SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING**

Nam Chuong Huynh & Lin R. Bui

NO. 13-2-15026-3 SEA

VS

Aker Biomarine, ASA & Aker Biomarine

**CASE INFORMATION COVER SHEET  
AND AREA DESIGNATION**

**CAUSE OF ACTION**

**(PIN) -** TORT, NON-MOTOR VEHICLE

**AREA DESIGNATION**

**SEATTLE -** Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

Nam Chuong Huynh & Lin R. Bui  
Plaintiff(s),

vs.

Aker Biomarine, ASA & Aker  
Biomarine Antarctic US, Inc.  
Respondent(s)

NO. 13-2-15026-3 SEA  
ORDER SETTING CIVIL CASE SCHEDULE

ASSIGNED JUDGE: Linde, Barbara, Dept. 6

FILED DATE: 3/29/2013

TRIAL DATE: 7/7/2014

SCOMIS CODE: \*ORSCS

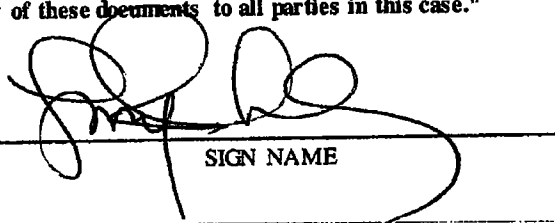
A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

**I. NOTICES**

**NOTICE TO PLAINTIFF:** The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."

Tonya R Arico  
PRINT NAME

  
SIGN NAME

**II. CASE SCHEDULE**

✓	CASE EVENTS	DATE
	Case Filed and Schedule Issued.	3/29/2013
✓	Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See <i>KCLMAR 2.1(a) and Notices on Page 2</i> ]. <b>\$220 arbitration fee must be paid</b>	9/6/2013
✓	<b>DEADLINE</b> to file Confirmation of Joinder if not subject to Arbitration. [See <i>KCLCR 4.2(a) and Notices on Page 2</i> ].	9/6/2013
	<b>DEADLINE</b> for Hearing Motions to Change Case Assignment Area. [See <i>KCLCR 82(e)</i> ]	9/20/2013
	<b>DEADLINE</b> for Disclosure of Possible Primary Witnesses [See <i>KCLCR 26(b)</i> ].	2/3/2014
	<b>DEADLINE</b> for Disclosure of Possible Additional Witnesses [See <i>KCLCR 26(b)</i> ].	3/17/2014
	<b>DEADLINE</b> for Jury Demand [See <i>KCLCR 38(b)(2)</i> ].	3/31/2014
	<b>DEADLINE</b> for Setting Motion for a Change in Trial Date [See <i>KCLCR 40(e)(2)</i> ].	3/31/2014
	<b>DEADLINE</b> for Discovery Cutoff [See <i>KCLCR 37(g)</i> ].	5/19/2014
	<b>DEADLINE</b> for Engaging in Alternative Dispute Resolution [See <i>KCLCR 16(b)</i> ].	6/9/2014
	<b>DEADLINE</b> for Exchange Witness & Exhibit Lists & Documentary Exhibits [See <i>KCLCR 4(j)</i> ].	6/16/2014
✓	<b>DEADLINE</b> to file Joint Confirmation of Trial Readiness [See <i>KCLCR 16(a)(2)</i> ].	6/16/2014
	<b>DEADLINE</b> for Hearing Dispositive Pretrial Motions [See <i>KCLCR 56; CR 56</i> ].	6/23/2014
✓	Joint Statement of Evidence [KCLCR 4(K)]	6/30/2014
	<b>DEADLINE</b> for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file Proposed Findings of Fact and Conclusions of Law with the Clerk).	6/30/2014
	Trial Date [See <i>KCLCR 40</i> ].	7/7/2014

The ✓ indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

**III. ORDER**

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.



DATED: 3/29/2013

\_\_\_\_\_  
PRESIDING JUDGE

#### IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

##### **READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.**

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

**COMPLEX LITIGATION:** If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

**APPLICABLE RULES:** Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**CASE SCHEDULE AND REQUIREMENTS:** Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

##### **THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.**

###### **A. Joint Confirmation regarding Trial Readiness Report:**

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

###### **B. Settlement/Mediation/ADR**

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. **FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.**

**C. Trial:** Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcounty.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

##### **MOTIONS PROCEDURES**

###### **A. Noting of Motions**

**Dispositive Motions:** All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. ~~The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at~~ <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Non-dispositive Motions:** These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Motions in Family Law Cases not involving children:** Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Emergency Motions:** Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

**B. Original Documents/Working Copies/ Filing of Documents:** All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) regarding the new requirement outlined in LCR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. On June 1, 2009 you will be able to submit working copies through the Clerk's office E-Filing application at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).

**Service of documents:** E-filed documents may be electronically served on parties who opt in to E-Service within the E-Filing application. The filer must still serve any others who are entitled to service but who have not opted in. E-Service generates a record of service document that can be e-filed. Please see information on the Clerk's office website at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) regarding E-Service.

**Original Proposed Order:** Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

**Presentation of Orders:** All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

**Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department.** Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.

**C. Form**

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for non-dispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

**IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.**

  
PRESIDING JUDGE

# **EXHIBIT 2**

THE HONORABLE BARBARA LINDE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

NAM CHUONG HUYNH AND LIN R. BUI,  
Husband and Wife,

NO.: 13-2-15026-3 SEA

Plaintiffs,

**NOTICE OF REMOVAL**

vs.

AKER BIOMARINE ASA , a Norwegian  
corporation, AKER BIOMARINE ANTARCTIC  
US, INC., a Delaware corporation, and F/V  
ANTARCTIC SEA, IMO #9160358, her gear,  
tackle, appurtenances, equipment and furniture,  
*in rem*,

Defendants.

YOU ARE HEREBY NOTIFIED that on April 24, 2013, defendant Aker BioMarine Antarctic US, Inc., filed in the U.S. District Court for the Western District of Washington its Notice of Removal of the above-captioned cause of action. A copy of the Notice of Removal is attached hereto.

DATED this 24<sup>th</sup> day of April, 2013.

NICOLL BLACK & FEIG PLLC

/s/ Jeremy B. Jones  
W.L. Rivers Black, WSBA #13386  
Jeremy B. Jones, WSBA #44138  
Attorneys for Defendant  
Aker BioMarine Antarctic US, Inc.

**DECLARATION OF SERVICE**

I, Marketa Trubac, hereby declare and state as follows:

I am a citizen of the United States and a resident of the State of Washington; I am over the age of eighteen years and not a party to the within action; my business address is Nicoll Black & Feig PLLC, 1325 Fourth Avenue, Suite 1650, Seattle, WA 98101.

On the date set forth below, I caused to be served

• **NOTICE OF REMOVAL**

in the within matter by arranging for a copy to be delivered on the interested parties in said action, in the manner described below, addressed as follows:

C. Steven Fury, WSBA No. 8896  
Francisco A. Duarte, WSBA No. 24056  
Fury Bailey, PS  
710 – 10<sup>th</sup> Ave. E.  
P.O. Box 20397  
Seattle, WA 98102

  X   VIA HAND DELIVERY  
      VIA FACSIMILE  
      VIA U.S. MAIL

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on April 24, 2013, at Seattle, Washington.

/s/ Marketa Trubac